

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUSANNE ERDE and MICHAEL ERDE,  
*individually and as parents and natural  
guardians of J.E.,*

Plaintiffs,

-v.-

NEW YORK CITY DEPARTMENT OF  
EDUCATION,

Defendant.

19 Civ. 2946 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On May 18, 2020, the United States Court of Appeals for the Second Circuit issued its decision in *Ventura de Paulino v. New York City Department of Education*, --- F.3d ---, 2020 WL 2516650 (2d Cir. May 18, 2020). On May 19, 2020, the Court issued an Order requiring the parties to file letter briefs addressing how that decision impacted the viability of Plaintiffs' Complaint. (Dkt. #57). On May 29, 2020, Plaintiffs filed a letter in which they did not explain how their Complaint would remain viable following the *de Paulino* decision, but instead argued that the decision was not yet binding in light of petitions for a panel rehearing and a petition for a rehearing *en banc* filed by the petitioners in *de Paulino* and tandem cases associated with it. (Dkt. #58).

On June 9, 2020, the Court stayed this proceeding in light of the petitions for rehearing. (Dkt. #61). On June 22, 2020, the Second Circuit denied the petitions for a panel rehearing and a petition for a rehearing *en banc*. Accordingly, Plaintiffs are hereby ORDERED to file a supplemental letter

brief on or before July 3, 2020, in which Plaintiffs are instructed to address how the decision in *Ventura de Paulino* impacts the viability of Plaintiffs' Complaint.

SO ORDERED.

Dated: June 25, 2020  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge